

OCR/DOJ AZELLA Directive
Frequently-Asked Questions (FAQs)

1. What is the procedure under this agreement if a student who is qualified to receive intervention services is currently receiving special education services under an IEP?

If the student's IEP provides language services, those services may count as intervention services. However, the LEA must meet to present the parent¹ with information regarding the directive and to give the parent the option to enroll the student in additional intervention services.

2. Under the agreement, can schools use Title III funds or programs as part of intervention services to meet their obligations?

Some of the qualifying students are current ELLs as they may have been re-enrolled in an ELL program after a less-than-proficient score on AZELLA during monitoring (ELLARs). These students are eligible for ELL services funded through Title III.

For all other qualifying students as per this directive, guidance from the U.S. Department of Education is as follows: "It would be a supplanting violation for the State or an LEA to use Title III funds to pay for activities required under the settlement with the Departments of Justice and Education, OCR. Because the Resolution Agreement's activities are in response to violations of Title VI and EEOA, these are activities that the State and LEAs are required to conduct in the absence of Title III funds, to satisfy their civil rights requirements, and thus Title III funds cannot be used without violating the non-supplanting rule."

3. Under this agreement, what is the process if a parent withdraws a qualified student from ELL services?

Regardless of parent's prior decision to withdraw a student from ELL services, the LEA must meet to present the parent with information regarding the directive and allow the parent the option to enroll the student in intervention services.

4. What is the LEA's responsibility in meeting with parents with whom the LEA recently met to discuss services for special education, ELLAR, or otherwise?

The LEA must make another effort to meet with the parent. The LEA may accomplish this follow-up meeting by phone or by other electronic means in order to present the parent with information regarding the directive and to give the parent the option to enroll the student in additional intervention services. Any such meeting not done in person must also be appropriately documented on the Parent Consultation Form by the LEA.

¹ In the directive, the term "parent" is used to refer to a qualifying student's parent or legal guardian, as applicable.

5. Why do some of the qualified students on the LEA list have an AZELLA composite score below proficient?

The AZELLA scores on the list of qualifying students are the student's most recent test scores. Some of these students were reclassified and then as part of their monitoring assessment experienced slippage and their composite score resulted in less-than proficient. In addition to the intervention services specifically required by this agreement, these students also qualify for ELL services.

6. What should an LEA do with a student who qualifies without a current AIMS score but this student's DIBELS score shows that the student is performing well?

The LEA must meet with the parent to inform and allow the parent the option to enroll the student in intervention services. However, the LEA can use this meeting as an opportunity to highlight the fact that the student is performing well and may not need intervention services. That being said, the parent must be given the option to enroll the student in intervention services.

7. What is the difference between before and after school supplemental services and before and after school services only?

Supplemental services are any services that occur before or after school and are provided in addition to another intervention service during the school day. A parent may elect to enroll his or her student in intervention services before or after school only, but the parent must be offered an in-school option by the LEA, as per this directive.

8. What is meant by the template column labeled intervention services in place before directive?

This column enables the LEA to highlight the services provided to these students prior to the agreement between the OCR/DOJ and the Arizona Department of Education.

9. What does the symbol appearing in the AIMS test score column (Ai or aC") mean?

The symbol means that there was no AIMS score in the subject area for the student.

10. Do qualifying students count in the ELL points as part of the A-F Letter Grade?

The inclusion criteria for this directive is completely different from the inclusion criteria for ELL points as part of the A-F Letter Grade system. For more information on the ELL points in the A-F Letter Grade, please see <http://www.azed.gov/research-evaluation/other-performance-measures/>

11. (a) What if the LEA has no qualifying students?

If the LEA has uploaded all its current student enrollments and there are no students on its list, then the LEA has no students who are eligible for intervention services pursuant to the agreement.

(b) Where and what should they report?

The LEA should note in the last column (X) of the template that the LEA did not have any enrolled qualifying students. This template will be submitted to ADE.

12. Is it permissible to have a telephone meeting with the parent after a previous in-person parent meeting?

If the LEA has recently met with a parent, a follow-up meeting by phone or by other electronic means may be used in order to present the parent with information regarding the directive and to give the parent the option to enroll the student in additional intervention services. Any such meeting not done in person must also be documented appropriately on the Parent Consultation Form by the LEA.

13. What if a qualified student withdraws from an LEA?

The LEA should document in the last column (X) of the template noting that the student withdrew and the date of withdrawal.

14. Does differentiation in the mainstream classroom satisfy the intervention directive?

The interventions must be focused in the domains of Reading and Writing. These interventions should be structured, consistent, on-going, and meaningful in order to provide for the academic improvement of these students. These interventions may be delivered in the mainstream classroom with an ILLP-type plan that addresses the English Language Proficiency Standards (ELPS) as well as the Common Core Standards in the domains of Reading and/or Writing.

15. Can the ILLP and Progress Report be used as the LEA-developed Plan?

The LEA-developed Plan will provide the documentation necessary to evaluate the effectiveness of the interventions, over time, for the individual student. It is imperative that the Plan include formative assessments, observations, performance data, and any other academic evidence of the student's progress in the domains of Reading and/or Writing. The ILLP is used for the recording of the instructional plan for English language learners who are receiving their English language development (ELD) in the mainstream classroom. The students on this directive qualifying list are Proficient, overall, on the AZELLA and do not require an ILLP.

Additionally, Progress Reports can certainly be documented on the LEA-developed Plan. One may reference the WICP (Written Individualized Compensatory Plan) format as an example for developing an LEA Plan. A copy of the WICP can be found on the Office of English Language Acquisition Services (OELAS) website.